

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JOAN CHARLES, Plaintiff,  v.  OCWEN FEDERAL BANK FSB; OCWEN FINANCIAL CORPORATION; MASSACHUSETTS PROPERTY INSURANCE UNDERWRITERS ASSOCIATION; and ONE CALL INSURANCE AGENCY, INCORPORATED, Defendants.	CIVIL ACTION NO. 04-11625-RWZ
--	-------------------------------

**ANSWER OF OCWEN FEDERAL BANK FSB AND OCWEN FINANCIAL  
CORPORATION TO CROSS-CLAIM OF DEFENDANT  
MASSACHUSETTS PROPERTY INSURANCE  
UNDERWRITING ASSOCIATION**

NOW COME Ocwen Federal Bank FSB and Ocwen Financial Corporation  
(together, "Ocwen") and respectfully respond to the cross-claim of defendant  
Massachusetts Property Insurance Underwriting Association ("MPIUA") as follows:

**FACTS**

1. Ocwen lacks sufficient information upon which to form a belief as to the truth of the allegation that MPIUA is an association established pursuant to Massachusetts General Laws, c. 1 § 75. Ocwen admits the remaining allegations in paragraph 1 of MPIUA's cross-claim.

2. Ocwen denies the allegations contained in this paragraph.

## **AFFIRMATIVE DEFENSES**

### **First Affirmative Defense**

MPIUA has failed to state a claim upon which relief can be granted.

### **Second Affirmative Defense**

MPIUA's claim is barred in whole or in part by its negligence.

### **Third Affirmative Defense**

The counterclaim does not describe MPIUA's contentions against Ocwen with sufficient particularity to enable Ocwen to determine all of the grounds for its defense. Ocwen therefore reserves its right to assert any additional grounds for its defense that may become available once the precise nature of MPIUA's claim(s) is ascertained.

WHEREFORE, Ocwen denies that the defendant Massachusetts Property Insurance Underwriting Association is entitled to the relief that it seeks.

OCWEN FEDERAL BANK FSB and  
OCWEN FINANCIAL  
CORPORATION;  
By their attorneys,



Paul Michienzie, Esq. (BBO#548701)  
Richard C. Demerle, Esq. (BBO#652242)  
Michienzie & Sawin LLC  
745 Boylston Street, 5<sup>th</sup> Floor  
Boston, MA 02116  
(617) 227-5660

DATED: February 28, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon each party appearing *pro se* and the attorney of record for each other party by U.S. mail, first class, postage pre-paid, on February 28, 2005.

A handwritten signature in black ink, appearing to read "RC Demerle", written over a horizontal line.

Richard C. Demerle